

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

J.C. GOLDSTEIN INVESTMENTS, LLC,	)	
and BREMER ROAD, LLC,	)	
	)	
Plaintiffs,	)	
v.	)	CV419-345
	)	
CSX TRANSPORTATION, INC.,	)	
	)	
Defendant.	)	

**ORDER**

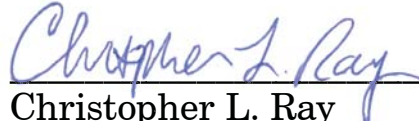
This case, involving allegations of nuisance and related damages, was removed from the Superior Court of Chatham County. *See generally* doc. 1 (Notice of Removal). Because of personal and attorney-client relationships with one of the principals of plaintiff J.C. Goldstein Investments, LLC, *see* doc. 1 at 4, I recuse.

Two federal statutes govern judicial disqualification due to conflict of interests. The first, 28 U.S.C. § 144, only applies when “a party . . . makes and files a timely and sufficient affidavit . . . .” Since no such affidavit has been filed, it does not apply here. The second, 28 U.S.C. § 455, “places a judge under a self-enforcing obligation to recuse himself where the proper legal grounds exist.” *United States v. Alabama*, 828 F.2d

1532, 1540 (11th Cir. 1987), *superseded by statute on other grounds as recognized by J.W. by and through Tammy Williams v. Birmingham Bd. of Ed.*, 904 F.3d 1248, 1254 (11th Cir. 2018). It is not entirely clear that recusal is mandatory in this case. Nevertheless, it is vital that litigants and the public see that the judicial process is fair and impartial. Accordingly, I will exercise my discretionary power to recuse in this case.

The Clerk is **DIRECTED** to forward a copy of this Order to the assigned District Judge for reassignment.

**SO ORDERED**, this 29th day of January, 2020.

  
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Christopher L. Ray  
United States Magistrate Judge  
Southern District of Georgia